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11 Attorneys for Plaintiff  
12 United States of America

13  
14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

CASE NO. 2:20-CR-00034-KJM

17 Plaintiff,

18 STIPULATION REGARDING EXCLUDABLE  
19 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
20 FINDINGS AND ORDER

21 DERICK LOUANGAMATH,

DATE: April 19, 2021

22 v.  
23 Defendant.

TIME: 9:00 a.m.

COURT: Hon. Kimberly J. Mueller

24  
25 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
26 counsel, Acting U.S. Attorney Phillip A. Talbert, through Assistant United States Attorney Aaron D.  
27 Pennekamp, attorney for plaintiff, and Federal Defender Heather Williams, through Assistant Federal  
28 Defender Mia Crager, attorney for defendant Derick Louangamath, that time is properly excluded under  
the Speedy Trial Act from April 19, 2021 through May 11, 2021 under Local Code E and T4.

29  
30 **STIPULATION**

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. On March 8, 2021, defendant filed a motion to suppress evidence, which is currently  
34 pending before this Court.

35 2. By previous order, this matter was set for a status conference and motion hearing on  
36 defendant's motion to suppress on April 19, 2021. By stipulation of the parties, and by previous order,

1 the time between April 5, 2021 and April 19, 2021 was excluded from the Speedy Trial Act calculations  
2 under Local Code E.

3 3. On April 19, 2021, the parties held their status conference and motion hearing, and the  
4 Court ordered the parties to appear for an evidentiary hearing concerning defendant's motion to suppress  
5 on May 11, 2021. Defendant's motion to suppress therefore remains pending before this Court.

6 4. By this stipulation, defendant now moves to exclude time between April 19, 2021, and  
7 May 11, 2021, under Local Code E and T4.

8 5. The parties agree and stipulate, and request that the Court find the following:

9 a) The government has represented that the discovery associated with this case  
10 includes investigative reports and related documents, criminal history documents, and other  
11 paper documents totaling approximately 200 pages, along with several audio and video files  
12 depicting Sacramento Police Department officers' body camera footage, in-car camera footage,  
13 dispatch radio recordings, and other records representing approximately 9 GB of data. All of this  
14 discovery has been either produced directly to counsel and/or made available for inspection and  
15 copying. Moreover, the defendant has lodged additional discovery requests, which are still  
16 pending. The government has responded to the defendant's requests, and the parties expect  
17 discussions concerning these discovery requests to continue.

18 b) In light of the government's produced discovery, counsel for defendant desires  
19 additional time to consult with her client, to review the current charges, to conduct investigation  
20 and research related to those charges, to review and copy discovery for this matter, to inspect  
21 physical evidence seized and/or otherwise available concerning this matter, to discuss potential  
22 resolutions with her client, to consider and/or prepare pretrial motions, and to otherwise prepare  
23 for trial.

24 c) Counsel for defendant believes that failure to grant the above-requested exclusion  
25 of time would deny her the reasonable time necessary for effective preparation, taking into  
26 account the exercise of due diligence.

27 d) The government does not object to the exclusion of time.

28 e) Based on the above-stated findings, the ends of justice served by excluding time

1 as requested outweigh the interest of the public and the defendant in a trial within the original  
2 date prescribed by the Speedy Trial Act.

3 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
4 et seq., within which trial must commence, the time period of April 19, 2021 to May 11, 2021,  
5 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
6 because it results from a continuance granted by the Court at defendant's request on the basis of  
7 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
8 of the public and the defendant in a speedy trial.

9 g) Moreover, for purposes of computing time under the Speedy Trial Act, the parties  
10 agree that the time between April 19, 2021 and May 11, 2021 is automatically excludable  
11 because a pretrial motion to suppress remains pending before the Court. *See* 18 U.S.C.  
12 § 3161(h)(1)(D) [Local Code E].

13 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
14 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
15 must commence.

16 IT IS SO STIPULATED.

17  
18 Dated: April 19, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

21 /s/ AARON D. PENNEKAMP  
AARON D. PENNEKAMP  
Assistant United States Attorney

23  
24 Dated: April 19, 2021

25 /s/ MIA CRAGER  
MIA CRAGER  
Counsel for Defendant  
DERICK LOUANGAMATH

## **FINDINGS AND ORDER**

IT IS SO FOUND AND ORDERED this 21<sup>th</sup> day of April 2021.

**CHIEF UNITED STATES DISTRICT JUDGE**